

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
2011 SPRING MEMBERSHIP MEETING**

May 22-25, 2011

**The Drake Hotel
Chicago, Illinois**

The National Association of Clean Air Agencies (NACAA) held its 2011 Spring Membership Meeting May 22-25, 2011 at the Drake Hotel in Chicago, Illinois. Presentations provided by speakers are available electronically on Air Web – NACAA’s members-only web site. Below are minutes of the NACAA Business Meeting, held Tuesday afternoon, May 24, 2011, and the NACAA Board of Directors meeting, held Sunday, May 22, 2011. The Membership Meeting agenda and attendees list are attached, as is the Board Meeting agenda.

MINUTES

NACAA BUSINESS MEETING

Tuesday, May 24, 2011

David Shaw (NY) and Lynne Liddington (Knoxville, TN), Co-Presidents of NACAA, called the Business Meeting to order.

Approval of Minutes

The 2010 Fall Membership Meeting minutes were unanimously approved by the membership.

NACAA Co-Treasurers’ Report

Bill Becker, Executive Director of NACAA, reported on the association’s finances, including both federal and non-federal funds.

Section 105 Funding and Proposed Changes to NACAA Dues Formula

Bruce Andersen (Kansas City, KS), Co-Chair of the NACAA Program Funding Committee, reported that EPA was shifting \$10 million into the section 105 grant program (reprogrammed from one of the federal water programs). He announced that the Board of Directors and Committee Chairs had discussed the allocation of the additional \$10 million in section 105 grants that EPA would provide in FY 2011 and had

agreed to recommend that EPA distribute the full \$10 million to the regions as soon as possible, using the existing section 105 allocation formula. The regions should be urged to use the funds “as directed by states and locals,” distributing them or setting aside funds for things the state and local agencies request (e.g., RPOs, monitors, etc.).

Dave Shaw reported on the discussions the Board of Directors had been having regarding state and local contributions to funding NACAA (i.e., dues). He said that the Board had discussed a change in the formula at its Winter Meeting, which was subsequently discussed by Board members with individual agencies. Following additional discussion at its May 22 meeting, the Board had agreed to do the following:

- pursue transitioning to a section 105-based formula, beginning in FY 2013 and phased in over five years;
- seek additional information from EPA about how the agency will phase in the revised section 105 allocation;
- recalculate an additional scenario in which the funds earmarked for PAMS monitoring are removed from the equation (some felt that those dedicated monitoring funds skew the distribution);
- discuss the issue again at the Summer Board Meeting, including the alternate scenario without the PAMS grants and any pertinent information received from EPA, and decide how to proceed; and
- present the issue to the full membership for a vote at the Fall Membership Meeting.

Bill Becker noted that the NACAA budget would remain flat for the next two years (i.e., in FYs 2012 and 2013).

The members discussed the importance of pursuing additional section 105 grants as well.

Other Business

Dick Valentinetti (VT) reminded the members that EPA has available \$300,000 in grant funds for two cities – one large and one smaller - to purchase equipment to conduct their near-roadway monitoring study. Jurisdictions interested in competing for this funding should contact Nielsen Watkins of EPA OAQPS.

Andy Ginsburg (OR) asked if any members would be interested in participating in a study of the actual benefits derived from inspection and maintenance programs, in light of the fact that EPA’s new MOVES model appears to underestimate the benefits of these programs.

The NACAA Business Meeting was adjourned.

MINUTES

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES BOARD OF DIRECTORS AND COMMITTEE CHAIRS MEETING

Sunday, May 22, 2011

**The Drake Hotel
Chicago, Illinois**

The NACAA Board of Directors convened its meeting at 8:30 a.m. NACAA Board members present included Tad Aburn (MD), Bruce Andersen (Kansas City, KS), Andy Ginsburg (Oregon), Larry Greene (Sacramento, CA), Vince Hellwig (MI), Thomas Huynh (Philadelphia, PA), Lynne Liddington (Knoxville, TN), Shelley Schneider (NE), Dave Shaw (NY), Richard Stedman (Monterey, CA), Paul Tourangeau (CO), Mary Uhl (NM) and Barry Wallerstein (Los Angeles, CA); John Lyons (KY) participated in a portion of the meeting by telephone. Committee Co-Chairs, who are not also Board members, present included Arturo Blanco (Houston, TX), Cory Chadwick (Cincinnati, OH), Stu Clark (WA), Mike Dowd (VA), Bob Hodanbosi (OH), Jim Hodina (Cedar Rapids, IA), Ursula Kramer (Tucson, AZ), Bill O'Sullivan (NJ), John Paul (Dayton, OH), Nancy Seidman (MA), and Dick Valentinetti (VT). Others present included Eric Stevenson (San Francisco, CA). NACAA staff present included Bill Becker, Nancy Kruger, Mary Sullivan Douglas, Amy Royden-Bloom, Misti Duvall and Stephanie Cooper. The meeting agenda is attached.

Legislative Update

Bill Becker, Executive Director of NACAA, provided a legislative update. Bill reported that EPA and environmental regulations are coming under attack. Examples of this are H.R. 1 and H.R. 9, both of which passed the House but stalled in the Senate. Several other bills are currently moving forward in the House. First, the AEP utility bill would postpone Clean Air Act rules for utilities for 10 years and weaken existing standards. Second, an Outer Continental Shelf (OCS) bill would, among other things, limit Environmental Appeals Board review of OCS permits. Third, a bill aimed at recent MACT standards may be introduced. Others include the REINS Act, which would require regulations to be reviewed by the House and Senate and signed by the President before becoming law, and requirements for increased use of the Congressional Review Act, such as for cement kiln regulations. Bill also reported on congressional action with respect to the budget for FY 2011, specifically with respect to air programs.

Discussion of Formula and Timing of Section 105 Grant Allocation and NACAA Dues Structure

The group discussed the fact that EPA would increase FY 2011 section 105 grants by \$10 million with funds transferred from one of the EPA water programs. The group was asked if anyone favored distributing the additional grants using anything but the traditional formula EPA has been using for regional allocations. No one advocated for a different allocation. The members also briefly discussed whether any funds should be held off the top for specific activities or if EPA should distribute all of the increase. No decision was made.

Janet McCabe and Jim Jones of EPA OAR joined the meeting by conference call.

Jim Jones reported that EPA is planning to move ahead with the revised formula for allocating section 105 grants to the regions beginning in FY 2013 and phasing in the change over five years. One possibility under consideration is to apply the new formula to one-half of the grants, while using the existing method for the other half.

Jim also reported that EPA will increase section 105 grants for FY 2011 by \$10 million. He noted that it was the agency's plan to distribute the funds according to the existing allocation formula, but that the staff was interested in feedback on whether any funds should be held off the top for monitoring, Regional Planning Organizations or other programs.

Janet McCabe emphasized that Gina McCarthy does not believe state and local air agencies have sufficient resources. The staff is discussing with the NACAA-EPA Monitoring Steering Committee how they could phase in or streamline monitoring responsibilities in light of insufficient funding.

Janet, Jim and the NACAA members discussed funding issues such as staffing shortages, regional funds and monitoring. Bruce Andersen (Kansas City, KS), Co-Chair of the NACAA Program Funding Committee, thanked EPA for the additional funds for FY 2011 and emphasized the need for increases to section 105 grants, especially in the face of a revised allocation formula.

After EPA staff signed off the call, the members discussed what guidance to give EPA regarding the allocation of the additional \$10 million. The members voted unanimously (states 14-0-0 and locals 12-0-0) to recommend the following: EPA should distribute the full \$10 million to the regions as soon as possible, using the existing section 105 allocation formula. The EPA Regional Offices should be urged to use the funds "as directed by states and locals," distributing them or setting aside funds for things the state and local agencies request (e.g., RPOs, monitors, etc.).

The members discussed changes to the NACAA dues structure. Dave Shaw recapped the status of the issue since the Winter Board Meeting, at which the Board members agreed to get feedback from other NACAA members on the idea of changing the calculation of NACAA dues from the present system (based on population) to a formula that follows the distribution of section 105 grants. Under this system, each state's contribution to NACAA would be the same percentage of NACAA's budget as the percentage the state receives of the national section 105 pot. For example, if state X receives 3 percent of the Section 105 pot, it would pay for 3 percent of NACAA's budget. The Board also agreed to raise the possibility of transitioning to a section 105-based formula, beginning in FY 2013, to be phased in over five years.

Various members reported on the feedback they had received from others in their regions. They also discussed how to address contributions from local agencies from states that are no longer members of NACAA (i.e., calculate the contribution of the local agencies).

Nancy Seidman (MA) asked if an option for dues could be calculated in which the state-by-state section 105 grant totals could be adjusted to remove the grants for the PAMS network. Some of the states felt that the PAMS totals artificially skew the percentages of total section 105 grants and should not be included in the dues calculations.

Bill Becker noted that the dues adjustments would not affect the grant request that NACAA is preparing to submit in several weeks.

The members agreed to inform the full membership at the NACAA Business Meeting on May 24, 2011 that they had discussed the dues and would plan to do the following:

- pursue transitioning to a section 105-based formula, beginning in FY 2013 and phased in over five years;
- seek additional information from EPA about how the agency will phase in the revised section 105 allocation;
- recalculate an additional scenario in which the funds earmarked for PAMS monitoring are removed from the equation (some felt that those dedicated monitoring funds skew the distribution);
- discuss the issue again at the Summer Board Meeting, including the alternate scenario without the PAMS grants and any pertinent information received from EPA, and decide how to proceed; and
- present the issue to the full membership for a vote at the Fall Membership Meeting.

Critical Issues

Global Warming

Larry Greene (Sacramento, CA), Co-Chair of the NACAA Global Warming Committee, briefly summarized a document on global warming written by Amy Royden-Bloom, NACAA Senior Staff Associate, in response to member queries. The document is a global warming science primer intended to compile in one place the most important, respected and peer-reviewed information on global warming science. A draft was sent out to the members and is being revised in response to the comments. It should be finalized sometime in June. The Co-Presidents, (Dave Shaw (NY) and Lynne Liddington (Knoxville, TN)) praised the document.

Next, Stu Clark (WA), Co-Chair of the NACAA Global Warming Committee, teed up another document written by Amy – a history of EPA regulation under the Clean Air Act of GHG emissions and NACAA's comments on EPA proposals. The document was prepared in response to questions from members about the Supreme Court decision holding that GHGs are a "pollutant" under the Clean Air Act, EPA's path in regulating GHG emissions and how NACAA's comments have evolved. Amy briefly summarized the document. She will distribute the latest draft to all air directors to see if they are any comments. This is a resource that will be updated as needed.

Amy then briefly summarized the process EPA is following to propose New Source Performance Standards for GHG emissions from power plants and petroleum refineries. She noted that EPA held five listening sessions to solicit ideas and that NACAA was asked to organize the state and local participation in the state, local and tribal agency-focused listening session. NACAA and ECOS selected a regionally representative group of state and local air and environmental officials.

Finally, John Paul (Dayton, OH), Co-Chair of the NSR Committee, provided a brief update on GHG permitting. He noted that EPA has created a web site for posting its comment letters on GHG permits. The NSR Committee is also trying to track all GHG permitting actions. One attendee asked whether EPA had objected to any GHG permits, and John responded that he was not aware that the agency had. Misti Duvall, NACAA Staff Associate, noted that a standing agenda item for the Permitting/NSR Committee conference calls was an opportunity for state and local air agencies to talk about their GHG permitting experiences.

Monitoring

Dick Valentinetti (VT) and Eric Stevenson (San Francisco, CA) discussed the need to prioritize the implementation of new monitoring requirements, including the near roadway network and other new requirements. This was discussed at the most recent Monitoring Steering Committee meeting earlier this month. EPA is open to phasing in the near roadway nitrogen dioxide network, which was suggested by CASAC, and has discussed options. The agency would like NACAA's recommendations. The Board

avored the 'build-and-hold' option, which would entail building the network down to the 1 million population threshold over two to three years, then reviewing the data and reevaluating the need to build the rest of the network. Several members stressed the need to have sound legal basis.

Prioritization of other new monitoring requirements was also discussed. The Lake Michigan Air Directors Consortium (LADCO) recently undertook a prioritizing exercise with its member states. The resulting document is available on LADCO's website and on Air Web. NACAA will suggest using it as a starting point for similar discussions.

Air Toxics

Vince Hellwig (MI), Co-Chair of the NACAA Air Toxics Committee, provided updates on several important air toxics regulations.

With respect to Boilers and Commercial/Institutional Solid Waste Incinerators, Vince reported that EPA had stayed the effectiveness of the rules that were issued on March 21, 2011 and that several groups had sued EPA over the rules. EPA has announced that it will reconsider the rules and NACAA will likely send a letter to EPA with recommendations regarding the reconsideration.

With respect to the Utility MACT that was proposed in the *Federal Register* on May 3, 2011, Vince reported that NACAA would submit comments by July 5, 2011 and that Dave Shaw would testify on behalf of NACAA at the public hearing on May 24, 2011 in Chicago.

Finally, on the Portland Cement rule, Vince reported that some in Congress wanted to revoke the rule, which was issued in September 2010. NACAA went on record during the appropriations debate defending the regulation. He noted that industry recently sued EPA on the rule.

Tier 3 Motor Vehicle Standards

Nancy Seidman (MA) and Barry Wallerstein (Los Angeles, CA), Co-Chairs of the Mobile Sources and Fuels Committee, reminded members of the critical need for the Tier 3 motor vehicle program EPA is developing, to include vehicle emissions standards for conventional pollutants as well as low-sulfur gasoline standards. They recommended that NACAA send a letter to EPA Administrator Lisa Jackson supporting a Tier 3 program and offering the association's recommendations related to such issues as tailpipe emission standards, fuel sulfur content, evaporative emissions standards, certification fuel and fuel volatility. After a brief discussion, it was agreed that NACAA should proceed with the letter.

NACAA Finances and Vote on NACAA Grant Proposal

Bill Becker presented and explained the NACAA financial statements, including those covering the association's non-federal funds and the operating grant (through April 30, 2011).

Future NACAA Meeting Locations

Bill Becker apprised the group that the Summer Board and Committee Chairs Meeting will be held July 29-August 1, 2011, at the Westin Providence, in Providence, Rhode Island. The 2011 Fall Membership Meeting will be at the Renaissance Hotel in Cleveland, Ohio. NACAA is currently negotiating the 2012 Winter Board and Committee Chairs Meeting. It is likely to be held January 27-30, 2012, at the Charleston Place in Charleston, South Carolina.

Adjourn

The NACAA Board of Directors meeting was adjourned.

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
BOARD OF DIRECTORS AND COMMITTEE CHAIRS MEETING**

**Sunday, May 22, 2011
8:30 a.m. – 12:30 p.m.**

**The Drake Hotel
Mezzanine Room
140 East Walton Place
Chicago, Illinois**

FINAL AGENDA

7:00 a.m. – 8:15 a.m.	Breakfast
7:30 a.m. – 8:15 a.m.	Registration
8:15 a.m. – 8:30 a.m.	<u>Introductions and Review of Agenda</u>
8:30 a.m. – 8:45 a.m.	<u>Legislative Update</u>
8:45 a.m. – 9:45 a.m.	<u>Discussion of Formula and Timing of Sec. 105 Grant Allocation and NACAA Dues Structure</u>
9:45 a.m. – 10:00 a.m.	Break
10:00 a.m. – 12 noon	<u>Critical Issues</u> <ul style="list-style-type: none">• Global Warming (45 minutes)• Monitoring (30 minutes)• Air Toxics (30 minutes)• Tier 3 Motor Vehicle Standards (15 minutes)
12 noon – 12:15 p.m.	<u>NACAA Finances and Vote on NACAA Grant Proposal</u>
12:15 p.m. – 12:30 p.m.	<u>Future NACAA Meeting Locations</u>
12:30 p.m.	Adjourn/Box Lunch

(5/16/2011)

FINAL AGENDA

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
SPRING MEMBERSHIP MEETING**

May 22-25, 2011

**The Drake Hotel
140 East Walton Place
Chicago, Illinois**

Sunday, May 22, 2011

8:15 a.m. – 12:30 p.m.	NACAA Board of Directors and Committee Chairs Meeting	Mezzanine Room
5:00 p.m. (and throughout the evening)	Social Hour	Room 950

Monday, May 23, 2011

7:30 a.m. – 8:30 a.m.	Continental Breakfast	Grand Ballroom
8:00 a.m. – 8:30 a.m.	Registration	Grand Ballroom
8:30 a.m. – 8:45 a.m.	Welcome and Introductions by NACAA Co-Presidents <i>Lynne Liddington (Knoxville, TN)</i> <i>David Shaw (New York)</i>	Grand Ballroom
8:45 a.m. – 9:15 a.m.	NACAA Executive Director's Report <i>Bill Becker (NACAA)</i>	Grand Ballroom
9:15 a.m. – 10:45 a.m.	The Latest on NAAQS and Regional Haze <u>Moderator:</u> <i>Tad Aburn (Maryland)</i> <u>Speaker:</u> • <i>Scott Mathias (EPA OAQPS)</i>	Grand Ballroom
10:45 a.m. – 11:00 a.m.	Break	
11:00 a.m. – 12:00 noon	Improving the SIP Process: Progress of the NACAA-ECOS-EPA SIP Reform Workgroup <u>Moderator:</u> <i>Carey Fitzmaurice (EPA OAR)</i> <u>Speakers:</u> • <i>Nancy Kruger (NACAA)</i> • <i>Marcia Spink (EPA Region 3)</i> • <i>John Lyons (Kentucky)</i>	Grand Ballroom

Monday, May 23, 2011 (continued)

12:00 p.m. – 1:30 p.m.	Lunch	Drake Room
1:30 p.m. – 3:00 p.m.	The Impact of Federal and State Energy and Utility Policies on Achieving Clean Air Goals <u>Moderator:</u> <i>Amy Royden-Bloom</i> <u>Speakers:</u> <ul style="list-style-type: none"> • <i>Jeff Genzer (National Association of State Energy Officials)</i> • <i>Kathleen Hogan (U.S. Department of Energy)</i> • <i>Rick Morgan (District of Columbia Public Service Commission)</i> • <i>Susan Wickwire (EPA OAP)</i> 	Grand Ballroom
3:00 p.m. – 3:30 p.m.	Break	
3:30 p.m. – 4:30 p.m.	Federal Enforcement Update and Flares Initiative <u>Moderator:</u> <i>Richard Stedman (Monterey, CA)</i> <u>Speaker:</u> <ul style="list-style-type: none"> • <i>Phil Brooks (EPA OECA)</i> 	Grand Ballroom
6:00 p.m. – 9:30 p.m.	NACAA Banquet	Gibson's Rush Room 1024 North Rush Street

Tuesday, May 24, 2011

7:30 a.m. – 8:30 a.m.	Continental Breakfast	Grand Ballroom
8:30 a.m. – 10:00 a.m.	EPA Efforts to Support GHG Permitting <u>Moderators:</u> <i>Ursula Kramer (Pima County, AZ)</i> <u>Speaker:</u> <ul style="list-style-type: none"> • <i>Peter Tsirigotis (EPA OAQPS)</i> • <i>Michael Ling (EPA OAQPS)</i> 	Grand Ballroom
10:00 a.m. – 10:30 a.m.	Break	
10:30 a.m. – 12:00 noon	Face the Air Directors: A Conversation with EPA Assistant Administrator Gina McCarthy <u>Moderator:</u> <i>Lynne Liddington (Knoxville, TN)</i> <i>David Shaw (New York)</i> <u>Speakers:</u> <ul style="list-style-type: none"> • <i>Gina McCarthy</i> Assistant Administrator EPA Office of Air and Radiation 	Grand Ballroom

12:00 noon – 1:30 p.m.	Lunch	Drake Room
<u>Tuesday, May 24, 2011 (continued)</u>		

1:30 p.m. – 3:00 p.m.	<p>State and Local GHG Permitting Experiences</p> <p><u>Moderator:</u> <i>Bob Hodanbosi (Ohio)</i></p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • <i>John Paul (Dayton, OH)</i> • <i>Michael Vince (Louisiana)</i> • <i>Vince Hellwig (Michigan)</i> • <i>David Shaw (New York)</i> 	Grand Ballroom
3:00 p.m. – 3:30 p.m.	Break	
3:30 p.m. – 4:45 p.m.	<p>Environmental Justice: Addressing the Disproportionate Adverse Impacts of Air Pollution on Local Communities</p> <p><u>Moderator:</u> <i>Mary Sullivan Douglas (NACAA)</i></p> <p><u>Speaker:</u></p> <ul style="list-style-type: none"> • <i>Kimberly Wasserman Nieto (Little Village Environmental Justice Organization)</i> • <i>Elaine Chang (Los Angeles, CA)</i> • <i>Henry Hilken (San Francisco, CA)</i> • <i>Bryce Feighner (Michigan)</i> 	Grand Ballroom
4:45 p.m. – 5:30 p.m.	<p>NACAA Business Meeting</p> <ul style="list-style-type: none"> • Approval of Fall 2010 Minutes • Co-Treasurers' Report • Proposed Changes to NACAA Dues Formula • Other Business 	Grand Ballroom
<u>Wednesday, May 25, 2011</u>		
7:30 a.m. – 8:30 a.m.	Continental Breakfast	Grand Ballroom
8:00 a.m. – 9:30 a.m.	<p>Permit Modeling under the New NO₂, SO₂ and PM_{2.5} NAAQS</p> <p><u>Moderator:</u> <i>James Hodina (Cedar Rapids, IA)</i></p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • <i>Chet Wayland (EPA OAQPS)</i> • <i>Bill O'Sullivan (New Jersey)</i> • <i>Mary Uhl (New Mexico)</i> 	Grand Ballroom
9:30 a.m. – 10:00 a.m.	Break and Check Out	
10:00 a.m. – 11:00 a.m.	<p>EPA Regulation of Air Toxics</p> <p><u>Moderator:</u> <i>Vince Hellwig (Michigan)</i></p> <p><u>Speaker:</u></p> <ul style="list-style-type: none"> • <i>Peter Tsigotis (EPA OAQPS)</i> 	Grand Ballroom
11:00 a.m.	Adjourn	(5/19/11)

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